

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

COREY RICHARD HORNE,	:	
Plaintiff	:	Civil Action No. 1:11-cv-1378
	:	
v.	:	(Chief Judge Kane)
	:	
THOMAS KEARNEY, District Attorney,	:	(Magistrate Judge Blewitt)
York County and MARY SABOL, Warden,	:	
York County Prison,	:	
Defendants	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Presently pending before the Court is Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 13), recommending that Defendants' motion to dismiss (Doc. No. 9) be granted and that Plaintiff's complaint (Doc. No. 1) be dismissed with prejudice. On November 1, 2011, Plaintiff filed a letter with the Court, which the Court will construe as an objection to Judge Blewitt's recommendations.¹ (Doc. No. 14.) In his letter, Plaintiff asserts that Defendants falsely stated in their motion to dismiss "that all Pennsylvania state courts had denied all of the plaintiff[']s request[s] for relief of a disposition as to the legality of the maintained temporary custody of the plaintiff during an appeal period." (*Id.* at 1.) Plaintiff also attached an "Order," proposing that the above-captioned action be transferred to the Court of Common Pleas of York County. (*Id.* at 2.) After a de novo consideration of the record and Defendants' motion to dismiss, the Court finds that Plaintiff's objection is without merit.

¹ The Magistrate Act, 28 U.S.C. § 636, and Federal Rule of Civil Procedure 72(b), provide that any party may file written objections to a magistrate's proposed findings and recommendations. In deciding whether to accept, reject, or modify the Report and Recommendation, the Court is to make a de novo determination of those portions of the Report and Recommendation to which objection is made. 28 U.S.C. § 636(b)(1).

ACCORDINGLY, on this 22nd day of November 2011, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's objection to the Report and Recommendation (Doc. No. 14) is **OVERRULED**.
2. Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 13) is **ADOPTED**.
3. Defendant's motion to dismiss (Doc. No. 9) is **GRANTED**, and Plaintiff's complaint (Doc. No. 1) is **DISMISSED WITH PREJUDICE**.
4. The Clerk of Court is directed to close the case.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania